

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WORLDWAY INTERNATIONAL
INVESTMENT HOLDINGS LIMITED,

Plaintiff,

v.

ADVANCED BIOENERGY LP, et. al.,

Defendants.

No. 1:20-cv-0001756-DAD-HBK

ORDER TO SET ASIDE / LIFT DEFAULT
PER STIPULATION CONSTRUED AS A
MOTION

(Doc. No. 13)


Pending before the Court is the parties' stipulation to set aside a Clerk's default entered against Defendants on December 23, 2020 (Doc. No. 7). Doc. No. 13. The parties explain that they began meeting and conferring on the same day the Request for Entry of Default was filed. *Id.* at 1. Defendants' counsel explained to Plaintiff's counsel that the failure to respond to the Complaint was inadvertent. *Id.* at 1-2. Plaintiff agrees to withdrawal of the default and stipulates to default being set aside. *Id.* at 2. The Court has already entered an order granting Defendants unopposed motion for an enlargement of time to answer or otherwise respond. *See* Doc. No. 20.

Accordingly, it is **ORDERED**:

The parties' stipulation construed to be an unopposed motion to set aside Clerk's default (Doc. No. 13) is **GRANTED *nunc pro tunc*** and the Clerk's default (Doc. 7) is set aside.

IT IS SO ORDERED.

Dated: January 26, 2021


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE